

CHAP. 477. AN ACT AUTHORIZING THE TOWN OF ATHOL TO ALLOW THE USE OF ITS EQUIPMENT WITH ITS OPERATOR ON PRIVATE PROPERTY FOR CERTAIN PURPOSES.

*Be it enacted, etc., as follows:*

SECTION 1. For the purpose of utilizing its mechanical equipment to the greatest extent, furnishing more continuous employment for its employees and increasing the taxable value of the real estate within its boundaries, the town of Athol is hereby granted authority to enter into agreements, through its selectmen, to rent such of its mechanical equipment with the operator thereof, when not needed for the use of the town, to private individuals for use on private property within the boundaries of said town. Said authority to enter into an agreement shall not be exercised unless and until the selectmen of the town have in their possession releases executed by such private individuals and all employees of the town to be employed on such work to save the town harmless on account of any loss, cost or damages ensuing from the performance of such a rental agreement, including loss, cost or damages to equipment so rented, reasonable wear and tear excepted; nor until a cash deposit equal in amount to the estimated rentals to be paid under said agreement, as determined by the selectmen, is paid over to the town; nor until policies of workmen's compensation insurance and public liability insurance satisfactory to the selectmen have been taken out by such private individual or individuals covering the proposed work.

The costs of said rentals shall be paid by said private individuals. All bills and pay rolls chargeable for work done under such rental agreement shall be plainly marked to indicate that the work was done under authority of and in pursuance of said agreement, and shall be charged against the advance cash deposit which shall be credited on the books of the town in a separate account. Any excess of said charges over the cash deposit shall be paid over by such private individuals to the town upon demand of the selectmen or the town treasurer. Any remaining balance in the special cash deposit account, after the completion of the rental agreement, shall be returned to such private individuals.

All receipts derived from the rental of equipment under this act shall be credited to an equipment fund account and reserved for appropriation by the town for the purchase and replacement of town equipment.

The equipment and employees of the town of Athol, while engaged in performing work under any said rental agreement, shall be deemed to be engaged in the service of such private individual, except that the service of any town employee thereunder shall be deemed creditable service within the meaning of section one of chapter thirty-two of the General Laws, and shall constitute public employment within the meaning of chapter thirty-one of the General Laws if applicable now or hereafter in the town of Athol to said employees.

SECTION 2. This act shall take effect upon its acceptance by a majority vote of the town meeting members at a regular or special town meeting.

*Approved July 21, 1958.*